

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Nooksack Branch  
Nooksack, Washington 98276  
(City of Nooksack, Petitioner)

Docket No. A2011-17

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**RESPONSE OF UNITED STATES POSTAL SERVICE IN OPPOSITION  
TO MOTION OF THE PETITIONER, CITY OF NOOKSACK,  
TO COMPEL FILING OF ADMINISTRATIVE RECORD**  
(June 22, 2011)

On June 14, 2011, the City of Nooksack (Petitioner) filed a motion to compel (Motion) the Postal Service to file the administrative record.<sup>1</sup> This pleading responds to the Motion.

The Motion rests upon an unfounded assumption: that evaluation of the merits of the Postal Service suspension activity affecting the Nooksack Branch can assist this proceeding to its conclusion. As stated in its motion to dismiss<sup>2</sup> filed on May 31, 2011, and pending before the Commission, the procedures applicable to a Post Office discontinuance do not apply here because 1) no discontinuance has yet occurred, and 2) the suspension of operations pertains to

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<sup>1</sup> Motion of the Petitioner, City of Nooksack, to Compel Administrative Record, PRC Docket No. A2011-17 (June 14, 2011).

<sup>2</sup> Motion of United States Postal Service to Dismiss Proceedings, PRC Docket No. A2011-17 (May 31, 2011).

a postal branch, and not a Post Office. Thus, the content of an administrative record has no bearing on whether the Commission has subject matter jurisdiction to hear an appeal of suspension of operations in a postal branch. The existence of subject matter jurisdiction depends upon the scope of Commission authority bestowed by Congress, and not on any activity conducted by the Postal Service.

Further, contrary to Petitioner's assertion (Motion at 2), the Postal Service did comply with the Commission's order to file a responsive pleading by May 31, 2011. In Order No. 734, the Commission set a May 31, 2011 deadline for the Postal Service to "file the administrative record regarding this appeal" and "any responsive pleading to this Notice." Consistent with Order No. 734, on May 31, 2011, the Postal Service filed a motion to dismiss, asserting that Petitioner's appeal should be dismissed because no discontinuance of the Nooksack Branch has occurred.

Accordingly, the Postal Service opposes Petitioner's motion to compel the Postal Service to file an administrative record.

Respectfully submitted,

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